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5 *Attorneys for Save Our Forest Association*

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7 **UNITED STATES DISTRICT COURT**  
8 **CENTRAL DISTRICT OF CALIFORNIA**  
9 **EASTERN DIVISION – RIVERSIDE**

10 SAVE OUR FOREST ASSOCIATION,  
INC.

11 Plaintiff,

12 vs.

13 UNITED STATES FOREST SERVICE,  
*et al.*,

14 Defendants.  
15  
16

Case No.: 5:24-cv-01336-JGB-DTB

**DECLARATION OF RACHEL S.  
DOUGHTY IN SUPPORT OF  
OPPOSITION TO MOTION TO  
INTERVENE**

Date: July 7, 2025

Time: 9:00 a.m.

Judge: Hon. Jesus G. Bernal

Dept: Courtroom 1, Riverside

Action Filed: June 25, 2024

Trial Date: March 31, 2026

1 I, Rachel Doughty, do declare and state:

2 1. If sworn as a witness, I could and would testify to my personal  
3 knowledge of the facts set forth herein.

4 2. I am presently counsel for Save Our Forest Association, Inc.  
5 (“SOFA”), which has sued the United States Forest Service (“USFS”) in the  
6 Central District of California, Eastern Division, case no. 5:24-cv-01336-JGB-DTB,  
7 filed June 25, 2024. This case seeks an order that the Forest Service must vacate  
8 Special Use Permit FCD728503 (“**BTB 2023 SUP**”), enjoining the USFS from  
9 approving or allowing any third party to divert water from Strawberry Canyon by  
10 entry onto USFS land unless and until the USFS has performed a new or  
11 supplemental environmental analysis, and ordering the USFS to ensure that the  
12 diversion structures in Strawberry Canyon are removed and the ecosystem is  
13 restored. The 2023 SUP has expired and the USFS has declined the application of  
14 BTB for a new SUP. A true and correct copy of the 2023 SUP is attached hereto as  
15 **Exhibit 30**, along with true and correct copies of Special Use Permit  
16 FCDFCD728502 (“**BTB 2022 SUP**”) and Special Use Permit FCD728501  
17 (“**Nestle 2018 SUP**”) all of which were obtained by my office through Freedom of  
18 Information Act requests to the USFS.

19 3. In addition to my present representation of SOFA, I represented The  
20 Story of Stuff Project (“**The Project**”) in prior litigation and administrative  
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1 proceedings regarding BTB's diversion of water from Strawberry Canyon since  
2 2015. On behalf of SOFA, Courage Campaign, and The Project I have submitted  
3 dozens of FOIA and PRA requests to various agencies, and reviewed the responses  
4 to similar requests of allies of my clients, seeking documents to determine why  
5 Strawberry Canyon has been dewatered and the extent of the resultant harm. I  
6 have also reviewed all of the documents admitted as evidence in the SWRCB's  
7 hearing regarding BTB's water rights in Strawberry Canyon.

8 4. In addition to SOFA and the Project, Courage Campaign, Sierra Club,  
9 the Audubon Society, League of Women Voters San Bernardino Area, Southern  
10 California Native Freshwater Fauna Working Group, Ekō, the Center for  
11 Biological Diversity, Tri County Conservation League, as well as thousands of  
12 individuals have all contributed time, money, and human resources to the effort to  
13 stop the diversion of water from Strawberry Canyon and restore the natural  
14 resources of this public land in the San Bernardino National Forest.

15 5. Media attention to the matter has also been considerable and  
16 sustained, reflecting the intense public interest in the matter. Award winning  
17 environmental journalist Ian James of the Los Angeles Times, for instance, has  
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1 written multiple stories about BTB and its predecessors' water diversions in  
2 Strawberry Canyon.<sup>1</sup>

3         6. The Hotel Property had previously been owned by Campus Crusade  
4 for Christ. BTB, by contract, has delivered some portion of the water it diverts to  
5 the Hotel Property since around 1931, including now to the present owners, the  
6 Yuhaaviatam. It is my understanding that BTB is not bottling any of the water it  
7 diverts and has not done so since 2023, but is delivering water to the present owner  
8 of the Arrowhead Hotel. *See Exhibit 25*, which is a true and correct copy of ECF  
9 65-10, The Declaration of Paul Hamai in the related matter *BlueTriton Brands v.*  
10 *United States Forest Service et al.*, No. CV 24-9720 JGB (DTBx) (C.D. Cal. filed  
11 Aug. 4, 2024). The USFS has never issued a diversion SUP to any owner of the  
12 Arrowhead Hotel.

13         7. In January 2010 Campus Crusade for Christ successfully sought  
14 annexation of the Hotel Property to the City of San Bernardino. I've attached as  
15 **Exhibit 1** a true and correct copy of the Local Agency Formation Commission  
16 County of San Bernardino ("LAFCO") Resolution No. 3088 annexing the Hotel  
17 Property to the City of San Bernardino. The annexation included the area of the  
18 Arrowhead Springs Specific Plan ("ASSP"), which "anticipates a total of 1,350  
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20 \_\_\_\_\_  
21 <sup>1</sup> One regarding the USFS's denial of BTB's application for diversion, is available here:  
<https://www.latimes.com/environment/story/2024-08-07/arrowhead-bottled-water-permit> (last accessed Aug. 10, 2024).

1 residential dwelling units, 600 hotel rooms, a golf course and 1,044,646 gross  
2 square feet of commercial space.” See **Exhibit 2**, a true and correct copy of the  
3 October 10, 2006, LAFCO 3053 Staff Report, at page 15. The Fiscal Impact Report  
4 for the ASSP identified the Del Rosa Mutual Water Company as the source of  
5 water for the domestic water needed for the ASSP, which staff found sufficient to  
6 supply 1,350 dwelling units, two major hotels, and significant commercial/office  
7 space.” (Exhibit 2, pp. 15-16.) The LAFCO 3053 Staff Report suggests that two  
8 shares are needed for each equivalent drinking unit and that Campus Crusade for  
9 Christ owned 3,729 of these shares and the City of San Bernardino Municipal  
10 Water Department held 582 of these shares. (Exhibit 2, p. 16.) Irrigation for the  
11 ASSP would be provided by the West Twin Creek Water Company, 443 shares of  
12 which were owned by Campus Crusade for Christ. (Exhibit 2, p. 17.) The LAFCO  
13 documents were obtained by SOFA in a request made to the San Bernardino  
14 Municipal Water District (“**SBMWD**”). I was cc’d on the Public Records Act  
15 correspondence, and so know it to be authentic.

16 8. The Yuhaaviatam Clan, of the Maara’yam (Serrano), sometimes  
17 called the San Manuel Band of Mission Indians (“**Nation**”) purchased the historic  
18 Arrowhead Hotel property (“**Hotel Property**”) with its entitlements in 2016; it had  
19 been offered for \$60 million. The Nation owns the Arrowhead Hotel in fee simple;  
20 the property is not reservation land. A true and correct copy of the May 20, 2016,  
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1 article *San Manuel Buys landmark Arrowhead Springs property in San Bernardino*,  
2 published in The Sun, is attached hereto as **Exhibit 32**.

3 9. The Nation also acquired the Campus Crusade for Christ's shares in  
4 the Del Rosa Mutual Water Company in 2016 and the remaining Del Rosa Mutual  
5 Water Company shares in 2019 from the City, making the Nation the sole owners  
6 of the company. Del Rosa Mutual Water Company's wells produced 1,900 acre  
7 feet in 2019. The information in this paragraph was drawn from **Exhibit 3**, a true  
8 and correct copy of the January 25, 2019, article *San Bernardino Sells its Share of*  
9 *Historic Del Rosa Mutual H2O Co. for Less than \$2,300*, available at  
10 [https://sbcsentinel.com/2019/01/sb-sells-it-share-of-historic-del-rosa-mutual-h2o-](https://sbcsentinel.com/2019/01/sb-sells-it-share-of-historic-del-rosa-mutual-h2o-co-for-less-than-2300/)  
11 [co-for-less-than-2300/](https://sbcsentinel.com/2019/01/sb-sells-it-share-of-historic-del-rosa-mutual-h2o-co-for-less-than-2300/) (last accessed Jan. 10, 2025).

12 10. I have attached hereto as **Exhibit 4**, The Project's closing brief in the  
13 administrative proceeding resulting in the SWRCB Order.<sup>2</sup>

14 11. I have attached hereto as **Exhibit 5** the testimony of Gregory Allord,  
15 formerly of the United States Geological Service, along with qualifications,  
16 **Exhibit 6**, and slides, **Exhibit 7**.

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<sup>2</sup> Exhibits referenced in the exhibits attached to this declaration which are from the hearing on the SWRCB Order are  
available on the SWRCB's website.

1           12. I have attached hereto as **Exhibit 8**, a true and complete copy of  
2 special use permit no. FCD728503, issued to BTB in February 2023, and which  
3 expired on August 24, 2023. I obtained this through a FOIA request to the USFS.

4           13. I have attached hereto as **Exhibit 9**, a true and correct copy of  
5 excerpts of the Land and Resource Management Plan for the San Bernardino  
6 National Forest. I obtained this from the USFS website.

7           14. I have attached hereto as **Exhibit 10**, a true and correct copy of  
8 excerpts of Forest Service Handbook 2509.22. I obtained this from the USFS  
9 website.

10           15. I have attached hereto as **Exhibit 11**, a true and correct copy of the  
11 July 27, 2018, Decision Memo of the USFS authorizing Nestlé to occupy a portion  
12 of the SBNF with its diversion equipment. I obtained this from the USFS website.

13           16. On September 29, 2023, the Forest Service sent a letter to BTB  
14 requesting information and a plan for how BTB was going to comply with state  
15 law in light of the State's ruling on the draft 2021 Cease and Desist Order for  
16 unauthorized diversion or use of water. A true and correct copy of this letter,  
17 obtained by FOIA from the USFS, is attached hereto as **Exhibit 12**.

18           17. On November 20, 2023, the Forest Service reiterated its request for  
19 information, having provided BTB additional time to respond. A true and correct  
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1 copy of this letter, obtained by FOIA from the USFS, is attached hereto as **Exhibit**  
2 **13**

3 18. In reviewing BTB's application for a renewal of its SUP, on March 1,  
4 2024, the Forest Service sent a letter to BTB identifying certain information that  
5 was missing and that the Forest Service required to make its determination. A true  
6 and correct copy of this letter, obtained by FOIA from the USFS, is attached hereto  
7 as **Exhibit 14**. After receiving a response from BTB, the Forest Service, on March  
8 25, 2024, repeated its requests for information that had not been provided, and  
9 specified further information that was required. A true and correct copy of this  
10 letter, obtained by FOIA from the USFS, is attached hereto as **Exhibit 15**. Despite  
11 these clarifications, BTB again failed to provide the requested information, and on  
12 April 18, 2024, the Forest Service once again set forth the information that was  
13 missing, the information that was requested, and again asked BTB to comply. A  
14 true and correct copy of this letter, obtained by FOIA from the USFS, is attached  
15 hereto as **Exhibit 16**. BTB once again failed to provide the requested information,  
16 and on April 24, 2024, the Forest Service sent yet another letter specifying what  
17 information it required to process the application. A true and correct copy of this  
18 letter, obtained by FOIA from the USFS, is attached hereto as **Exhibit 17**. BTB  
19 provided some information on May 14, 2024, but on May 4, 2024, the Forest  
20 Service explained that the information BTB had provided to date was insufficient,  
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1 and it still required the requested information. A true and correct copy of this letter,  
2 obtained by FOIA from the USFS, is attached hereto as **Exhibit 18**. BTB once  
3 again fell short, and on June 21, 2024, the Forest Service provided BTB yet another  
4 opportunity to provide the requested information. A true and correct copy of this  
5 letter, obtained by FOIA from the USFS, is attached hereto as **Exhibit 19**. After  
6 four months of trying to obtain the required information from BTB, and after six  
7 different letters explaining exactly what it was asking for, the Forest Service  
8 notified BTB that it was terminating the permit. A true and correct copy of this  
9 correspondence, obtained by FOIA from the USFS, is attached hereto as **Exhibit**  
10 **20**.

11 19. In May 2024, BTB sent a letter in response to the USFS, of a sort, a  
12 true and correct copy of which is attached hereto as **Exhibit 22**, and which was  
13 also obtained by FOIA from the USFS.

14 20. A true and correct copy of the article *Arrowhead bottler: Most water*  
15 *pipied from national forest is returned to ground or supplied to tribe*, Desert Sun  
16 (Oct. 14, 2021), obtained by me from the internet and last accessed on January 10,  
17 2025, at  
18 [https://www.desertsun.com/story/news/environment/2021/10/14/arrowhead-](https://www.desertsun.com/story/news/environment/2021/10/14/arrowhead-bottler-most-water-we-pipe-forest-returned-given-)  
19 [bottler-most-water-we-pipe-forest-returned-given-](https://www.desertsun.com/story/news/environment/2021/10/14/arrowhead-bottler-most-water-we-pipe-forest-returned-given-)

1 tribe/5892778001/#:~:text=Facing%20criticism%20for%20wasting%20water,to%2  
2 0a%20Native%20American%20tribe is attached hereto as **Exhibit 21**.

3 21. Although my firm and my clients have reached out to the Nation since  
4 at least 2018, we had never until within the last year gotten a response. The Nation  
5 did not participate in the SWRCB's proceedings, although they were aware of the  
6 proceedings and did correspond with the Hearing Officer regarding matters such as  
7 access to the Hotel Property. On January 8, 2025, I met with legal counsel for the  
8 Nation for the first time. Counsel for the Nation stated that the Nation has never  
9 applied to the USFS for a SUP to divert water from Strawberry Canyon and  
10 confirmed that the Nation presently has no such SUP.

11 22. My client and other members of the public continue to send public  
12 records requests to the US Forest Service and to obtain documents in response. We  
13 have seen no evidence that BTB has submitted any information explaining or  
14 supporting a basis for its rights to water in support of the application for the SUP  
15 the US Forest Service denied.

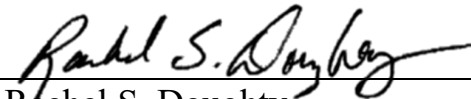
16 23. My client and other members of the public have hiked in the area of  
17 the Springs, from which it is reported to me that water continues to be diverted.

18 24. [Intentionally Omitted]

19 25. Attached as **Exhibits 24 to 27 and 31**, are true and correct copies of:  
20 docket entries in the related matter *BlueTriton Brands v. United States Forest*  
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1 *Service et al.*, No. CV 24-9720 JGB (DTBx) (C.D. Cal. filed Aug. 4, 2024)  
2 obtained from PACER, specifically: **Exhibit 24**: Notice and Motion to Intervene of  
3 Yuhaaviatam of San Manuel Nation; Memorandum of Points and Authorities;  
4 Motion for Order Shortening Time for Hearing (ECF 64); **Exhibit 25**: Declaration  
5 of Paul Hamai in Support of Motion to Intervene and Motion for Preliminary  
6 Injunction (ECF 65-10); **Exhibit 26**: Order Granting the Tribe's Motion to  
7 Intervene (ECF 91); **Exhibit 27**: Declaration of Alexandra McCleary in Support of  
8 Motion to Intervene and Motion for Preliminary Injunction (ECF 65-9); **Exhibit**  
9 **31**: Letter Agreement Amending 80/20 Agreement During Interim Period (ECF 65-  
10 8).

11 I make this declaration under penalty of perjury under the laws of the United  
12 States of America, executed this 16th day of June, 2025, in Berkeley, California.

13  
14 By:   
15 Rachel S. Doughty